

1 **CHILDREN WITH CANCER SPECIAL LICENSE PLATE**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca P. Edwards**

5 Senate Sponsor: Lincoln Fillmore

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes a children with cancer support special group license plate.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ creates a children with cancer support special group license plate for certain
13 organizations that create or support programs that provide assistance to children
14 with cancer;

15 ▶ requires applicants for a new plate to make a \$25 annual donation to the Children
16 with Cancer Support Restricted Account;

17 ▶ creates the Children with Cancer Support Restricted Account;

18 ▶ requires the Department of Health to distribute funds in the Children with Cancer
19 Support Restricted Account to certain organizations that create or support programs
20 that provide assistance or support to children with cancer; and

21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:



28 [41-1a-418](#), as last amended by Laws of Utah 2014, Chapter 37
 29 [41-1a-422](#), as last amended by Laws of Utah 2014, Chapter 37
 30 [63J-1-602.1](#), as last amended by Laws of Utah 2015, Chapters 136 and 180

31 ENACTS:

32 [26-21a-304](#), Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **26-21a-304** is enacted to read:

36 **26-21a-304. Children with Cancer Support Restricted Account.**

37 (1) As used in this section, "account" means the Children with Cancer Support
 38 Restricted Account created in this section.

39 (2) There is created in the General Fund a restricted account known as the "Children
 40 with Cancer Support Restricted Account."

41 (3) The account shall be funded by:

42 (a) contributions deposited into the account in accordance with Section [41-1a-422](#);

43 (b) private contributions;

44 (c) donations or grants from public or private entities; and

45 (d) interest and earnings on account money.

46 (4) The department shall distribute funds in the account to one or more charitable
 47 organizations that:

48 (a) qualify as tax exempt under Section 501(c)(3), Internal Revenue Code;

49 (b) are hospitals for children's tertiary care with board certified pediatric hematologist
 50 oncologists treating children, both on an inpatient and outpatient basis, with blood disorders
 51 and cancers from throughout the state;

52 (c) are members of a national organization devoted exclusively to childhood and
 53 adolescent cancer research;

54 (d) have pediatric nurses trained in hematology oncology;

55 (e) participate in one or more pediatric cancer clinical trials; and

56 (f) have programs that provide assistance to children with cancer.

57 (5) (a) An organization described in Subsection (4) may apply to the department to
 58 receive a distribution in accordance with Subsection (4).

59 (b) An organization that receives a distribution from the department in accordance with
60 Subsection (4) may expend the distribution only to create or support programs that provide
61 assistance to children with cancer.

62 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
63 department may make rules providing procedures for an organization to apply to the
64 department to receive a distribution under Subsection (4).

65 Section 2. Section **41-1a-418** is amended to read:

66 **41-1a-418. Authorized special group license plates.**

67 (1) The division shall only issue special group license plates in accordance with this
68 section through Section [41-1a-422](#) to a person who is specified under this section within the
69 categories listed as follows:

70 (a) disability special group license plates issued in accordance with Section [41-1a-420](#);

71 (b) honor special group license plates, as in a war hero, which plates are issued for a:

72 (i) survivor of the Japanese attack on Pearl Harbor;

73 (ii) former prisoner of war;

74 (iii) recipient of a Purple Heart;

75 (iv) disabled veteran; or

76 (v) recipient of a gold star award issued by the United States Secretary of Defense;

77 (c) unique vehicle type special group license plates, as for historical, collectors value,
78 or other unique vehicle type, which plates are issued for:

79 (i) a special interest vehicle;

80 (ii) a vintage vehicle;

81 (iii) a farm truck; or

82 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
83 defined in Section [59-13-102](#); or

84 (B) beginning on the effective date of rules made by the Department of Transportation
85 authorized under Subsection [41-6a-702\(5\)\(b\)](#) and until Subsection (4) applies, a vehicle
86 powered by clean fuel that meets the standards established by the Department of Transportation
87 in rules authorized under Subsection [41-6a-702\(5\)\(b\)](#);

88 (d) recognition special group license plates, which plates are issued for:

89 (i) a current member of the Legislature;

- 90 (ii) a current member of the United States Congress;
- 91 (iii) a current member of the National Guard;
- 92 (iv) a licensed amateur radio operator;
- 93 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 94 (vi) an emergency medical technician;
- 95 (vii) a current member of a search and rescue team;
- 96 (viii) a current honorary consulate designated by the United States Department of
97 State; or
- 98 (ix) an individual that wants to recognize and honor American freedoms and values
99 through an In God We Trust license plate;
- 100 (e) support special group license plates, as for a contributor to an institution or cause,
101 which plates are issued for a contributor to:
 - 102 (i) an institution's scholastic scholarship fund;
 - 103 (ii) the Division of Wildlife Resources;
 - 104 (iii) the Department of Veterans' and Military Affairs;
 - 105 (iv) the Division of Parks and Recreation;
 - 106 (v) the Department of Agriculture and Food;
 - 107 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
 - 108 (vii) the Boy Scouts of America;
 - 109 (viii) spay and neuter programs through No More Homeless Pets in Utah;
 - 110 (ix) the Boys and Girls Clubs of America;
 - 111 (x) Utah public education;
 - 112 (xi) programs that provide support to organizations that create affordable housing for
113 those in severe need through the Division of Real Estate;
 - 114 (xii) the Department of Public Safety;
 - 115 (xiii) programs that support Zion National Park;
 - 116 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
117 organizations;
 - 118 (xv) programs that promote bicycle operation and safety awareness;
 - 119 (xvi) programs that conduct or support cancer research;
 - 120 (xvii) programs that create or support autism awareness;

121 (xviii) programs that create or support humanitarian service and educational and
122 cultural exchanges;

123 (xix) programs that conduct or support prostate cancer awareness, screening, detection,
124 or prevention;

125 (xx) programs that support and promote adoptions;

126 (xxi) programs that create or support civil rights education and awareness; [~~or~~]

127 (xxii) programs that support issues affecting women and children through an
128 organization affiliated with a national professional men's basketball organization; or

129 (xxiii) programs that provide assistance to children with cancer.

130 (2) (a) The division may not issue a new type of special group license plate unless the
131 division receives:

132 (i) (A) a private donation for the start-up fee established under Section 63J-1-504 for
133 the production and administrative costs of providing the new special group license plates; or

134 (B) a legislative appropriation for the start-up fee provided under Subsection
135 (2)(a)(i)(A); and

136 (ii) beginning on January 1, 2012, and for the issuance of a support special group
137 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new
138 type of support special group license plate to be issued with all fees required under this part for
139 the support special group license plate issuance paid by each applicant.

140 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
141 hold applications for support special group license plates authorized in Section 41-1a-422 on or
142 after January 1, 2012, until it has received at least 500 applications.

143 (ii) Once a participating organization has received at least 500 applications, it shall
144 submit the applications, along with the necessary fees, to the division for the division to begin
145 working on the design and issuance of the new type of support special group license plate to be
146 issued.

147 (iii) Beginning on January 1, 2012, the division may not work on the issuance or design
148 of a new support special group license plate authorized in Section 41-1a-422 until the
149 applications and fees required under this Subsection (2) have been received by the division.

150 (iv) The division shall begin issuance of a new support special group license plate
151 authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after

152 receiving the applications and fees required under this Subsection (2).

153 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
154 registration of a motor vehicle that has been issued a firefighter recognition special group
155 license plate unless the applicant is a contributor as defined in Subsection
156 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

157 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
158 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle
159 registration shall:

160 (A) be a contributor to the Firefighter Support Restricted Account as required under
161 Subsection (2)(c)(i); or

162 (B) replace the firefighter recognition special group license plate with a new license
163 plate.

164 (3) (a) Beginning on July 1, 2011, if a support special group license plate type
165 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
166 license plates issued each year for a three consecutive year time period that begins on July 1,
167 the division may not issue that type of support special group license plate to a new applicant
168 beginning on January 1 of the following calendar year after the three consecutive year time
169 period for which that type of support special group license plate has fewer than 500 license
170 plates issued each year.

171 (b) If the division is required to stop the issuance of a type of support special group
172 license plate authorized in Section 41-1a-422 under this Subsection (3), the division shall
173 report to the Transportation Interim Committee that the division will stop the issuance on or
174 before the November interim meeting of the year in which the commission determines to stop
175 the issuance of that type of support special group license plate.

176 (4) Beginning on July 1, 2011, the division may not issue to an applicant a unique
177 vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

178 Section 3. Section 41-1a-422 is amended to read:

179 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
180 **contribution collection procedures.**

181 (1) As used in this section:

182 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who

- 183 has donated or in whose name at least \$25 has been donated to:
- 184 (A) a scholastic scholarship fund of a single named institution;
- 185 (B) the Department of Veterans' and Military Affairs for veterans' programs;
- 186 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
187 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
188 access, and management of wildlife habitat;
- 189 (D) the Department of Agriculture and Food for the benefit of conservation districts;
- 190 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
- 191 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
192 the donation evenly divided between the two;
- 193 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
194 council as specified by the contributor;
- 195 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
196 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 197 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
198 development programs;
- 199 (J) the Utah Association of Public School Foundations to support public education;
- 200 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
201 assist people who have severe housing needs;
- 202 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
203 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
204 Safety employees;
- 205 (M) the Division of Parks and Recreation for distribution to organizations that provide
206 support for Zion National Park;
- 207 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
208 firefighter organizations;
- 209 (O) the Share the Road Bicycle Support Restricted Account created in Section
210 72-2-127 to support bicycle operation and safety awareness programs;
- 211 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
212 cancer research programs;
- 213 (Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support

214 autism awareness programs;

215 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
216 created in Section [9-17-102](#) to support humanitarian service and educational and cultural
217 programs;

218 (S) Prostate Cancer Support Restricted Account created in Section [26-21a-303](#) for
219 programs that conduct or support prostate cancer awareness, screening, detection, or
220 prevention;

221 (T) the Choose Life Adoption Support Restricted Account created in Section
222 [62A-4a-608](#) to support programs that promote adoption;

223 (U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in
224 Section [9-18-102](#); [or]

225 (V) the National Professional Men's Basketball Team Support of Women and Children
226 Issues Restricted Account created in Section [62A-1-202](#); or

227 (W) the Children with Cancer Support Restricted Account created in Section
228 [26-21a-304](#) for programs that provide assistance to children with cancer.

229 (ii) (A) For a veterans' special group license plate, "contributor" means a person who
230 has donated or in whose name at least a \$25 donation at the time of application and \$10 annual
231 donation thereafter has been made.

232 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
233 person who:

234 (I) has donated or in whose name at least \$30 has been donated at the time of
235 application and annually after the time of application; and

236 (II) is a member of a trade organization for real estate licensees that has more than
237 15,000 Utah members.

238 (C) For an Honoring Heroes special group license plate, "contributor" means a person
239 who has donated or in whose name at least \$35 has been donated at the time of application and
240 annually thereafter.

241 (D) For a firefighter support special group license plate, "contributor" means a person
242 who:

243 (I) has donated or in whose name at least \$15 has been donated at the time of
244 application and annually after the time of application; and

245 (II) is a currently employed, volunteer, or retired firefighter.

246 (E) For a cancer research special group license plate, "contributor" means a person who
247 has donated or in whose name at least \$35 has been donated at the time of application and
248 annually after the time of application.

249 (F) For a Martin Luther King, Jr. Civil Rights Support special group license plate,
250 "contributor" means a person who has donated or in whose name at least \$35 has been donated
251 at the time of application and annually thereafter.

252 (b) "Institution" means a state institution of higher education as defined under Section
253 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
254 national accrediting agency recognized by the United States Department of Education.

255 (2) (a) An applicant for original or renewal collegiate special group license plates under
256 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
257 present the original contribution verification form under Subsection (2)(b) or make a
258 contribution to the division at the time of application under Subsection (3).

259 (b) An institution with a support special group license plate shall issue to a contributor
260 a verification form designed by the commission containing:

261 (i) the name of the contributor;

262 (ii) the institution to which a donation was made;

263 (iii) the date of the donation; and

264 (iv) an attestation that the donation was for a scholastic scholarship.

265 (c) The state auditor may audit each institution to verify that the money collected by the
266 institutions from contributors is used for scholastic scholarships.

267 (d) After an applicant has been issued collegiate license plates or renewal decals, the
268 commission shall charge the institution whose plate was issued, a fee determined in accordance
269 with Section [63J-1-504](#) for management and administrative expenses incurred in issuing and
270 renewing the collegiate license plates.

271 (e) If the contribution is made at the time of application, the contribution shall be
272 collected, treated, and deposited as provided under Subsection (3).

273 (3) (a) An applicant for original or renewal support special group license plates under
274 this section must be a contributor to the sponsoring organization associated with the license
275 plate.

276 (b) This contribution shall be:
277 (i) unless collected by the named institution under Subsection (2), collected by the
278 division;
279 (ii) considered a voluntary contribution for the funding of the activities specified under
280 this section and not a motor vehicle registration fee;
281 (iii) deposited into the appropriate account less actual administrative costs associated
282 with issuing the license plates; and
283 (iv) for a firefighter special group license plate, deposited into the appropriate account
284 less:
285 (A) the costs of reordering firefighter special group license plate decals; and
286 (B) the costs of replacing recognition special group license plates with new license
287 plates under Subsection 41-1a-1211(13).
288 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to
289 registration or renewal of registration.
290 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
291 the division when issuing original:
292 (i) snowmobile license plates; or
293 (ii) conservation license plates.
294 (4) Veterans' license plates shall display one of the symbols representing the Army,
295 Navy, Air Force, Marines, Coast Guard, or American Legion.
296 Section 4. Section 63J-1-602.1 is amended to read:
297 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**
298 **1 through Title 30.**
299 (1) Appropriations made to the Legislature and its committees.
300 (2) The Percent-for-Art Program created in Section 9-6-404.
301 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
302 Section 9-18-102.
303 (4) The LeRay McAllister Critical Land Conservation Program created in Section
304 11-38-301.
305 (5) An appropriation made to the Division of Wildlife Resources for the appraisal and
306 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

307 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
308 Section [24-4-117](#).

309 (7) Funds collected from the program fund for local health department expenses
310 incurred in responding to a local health emergency under Section [26-1-38](#).

311 (8) Funds collected from the emergency medical services grant program, as provided in
312 Section [26-8a-207](#).

313 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).

314 (10) The Children with Cancer Support Restricted Account created in Section
315 [26-21a-304](#).

316 [~~(10)~~] (11) State funds appropriated for matching federal funds in the Children's Health
317 Insurance Program as provided in Section [26-40-108](#).

318 [~~(11)~~] (12) The Utah Health Care Workforce Financial Assistance Program created in
319 Section [26-46-102](#).

320 [~~(12)~~] (13) The primary care grant program created in Section [26-10b-102](#).

321 [~~(13)~~] (14) The Rural Physician Loan Repayment Program created in Section
322 [26-46a-103](#).

323 Section 5. **Effective date.**

324 This bill takes effect on October 1, 2016.

Legislative Review Note
Office of Legislative Research and General Counsel